

Attorney Docket # US010461

Serial No. 09/963,245
Amdt. dated January 13, 2005
Reply to Office Action dated October 13, 2004

REMARKS/ARGUMENTS

The Office Action mailed October 13, 2004 has been reviewed and carefully considered. Before entry of the present Amendment, Claims 1-29 were pending, with Claims 1 and 18 being the independent claims. In the present Amendment, independent Claims 1 and 18 are being added, as is more fully described below.

In the Office Action, the Examiner objects to pages 16-17 of the specification of the present application because "all figures should be listed with a brief description of each" (Office Action, ¶12). It appears that the Examiner believes that providing one description of a group of related drawings (i.e., FIGS. 6A-6C are...) is objectionable. It is believed that the Examiner is incorrect, and that such descriptions are acceptable both under current U.S. patent law and under current U.S. practice.* For example, in the most recent edition of the Patent Gazette (vol. 1290, No. 2, Jan. 11, 2005), Pat. No. 6,841,728 to Jones, et al. has a brief description of "FIGS. 4A and 4B" in its Brief Description; Pat. No. 6,841,729 to Sakabe, et al. has a brief description of "FIGS. 4A and 4B" in its Brief Description; Pat. No. 6,841,735 to Schilson, et al. has a brief description of "FIGS. 10A and 10B" in its Brief Description; Pat. No. 6,841,738 to Michiwaki, et al. has a brief description of "FIGS. 19-23" in its Brief Description; etc. Furthermore, §608.01(g) expressly permits that "if a figure contains several parts, for example, figure 1A, 1B, and 1C, the figure may be described as figure 1". Although this does not exactly fit the present situation, it does establish that several parts of a figure may be described in a single description. It is also believed that the applicants present choice of "FIGS. 4A-4C" is actually more clear than referring to "FIG. 4" in the Brief Description (as suggested by the MPEP). Applicants respectfully request withdrawal of the objection.

In the Office Action, the Examiner rejected Claims 1-13 and 18-29 as directed to non-statutory subject matter under 35 USC §101. Specifically, the Examiner asserts that the claims may be directed to "an abstract idea that is not tied to a technological art, environment, or machine which would result in a practical application producing a concrete, useful, and tangible result". In response, independent Claim 1 is being amended to recite that "wherein at least one of the

* It is possible that applicants' representative has misinterpreted the meaning of the Examiner's objection. If so, applicants' representative apologizes, and respectfully requests that the Examiner contact him to inform him of what amendments to the Brief Description are actually required.

Attorney Docket # US010461

Serial No. 09/963,245
Amtd. dated January 13, 2005
Reply to Office Action dated October 13, 2004

recommendation system, the Fuzzy-Now recommendation system, and the personal schedule modification system comprises at least one processor" and independent Claim 18 is being amended to recite that "wherein each step is performed by at least one processor". These additions are supported by the entire specification as originally filed, including, for example, paragraph [0012].

Because independent Claims 1 and 18, as amended herein, are "tied to a technological art, environment, or machine", it is believed that they (and all claims depending from them) are directed to statutory subject matter. On this basis, withdrawal of the rejection is respectfully requested.

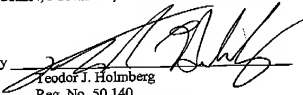
Applicants thank the Examiner for the indication that dependent Claims 14-17 are currently in condition for allowance (if rewritten as independent claims, etc.). However, applicants believe that present independent claims, as amended herein, are in condition for allowance.

Allowance of all presently pending claims is respectfully requested.

Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE

By


Teodor J. Holmberg
Reg. No. 50,140
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

Dated: January 13, 2005